



Federal Communications Commission
Washington, D.C. 20554

June 8, 2010

DA 10-1044

Gordon Schlesinger
5364 Saxon Street
San Diego, CA 92115-1145

Re: Petition for Rule Making to revise and update #97.1 of the Commission's Rules and Regulations, filed September 22, 2009

Dear Mr. Schlesinger:

This is in response to the above-referenced petition for rulemaking that you filed on September 22, 2009 (Petition). You request that Section 97.1 of the Commission's Rules¹ be amended to account for changes in technology and amateur practice since the rule was adopted. For the reasons set forth below, we dismiss the Petition.

Section 97.1 currently provides that the amateur service rules are designed to provide an amateur radio service having a fundamental purpose that is expressed in five principles.² In your Petition, you propose "a total restatement of the Basis and Purpose for the Amateur Radio Service, to account for the numerous and significant changes both in wireless technology and in the practice of the amateur radio art over the intervening decades" since Section 97.1 was adopted.³

When the Commission adopted what is now Section 97.1 in 1951,⁴ it stated,

[T]he statement of the basis and purpose of the amateur rules is intended as a prospectus of the accomplishments which the Commission expects to result from the activities of a healthy amateur radio service functioning within the limits of rules shaped toward this end. Additionally, and of equal importance, is the fact that an expressed firm basis thereby will be afforded for international negotiations affecting the Amateur Radio Service.⁵

When the Commission reorganized Part 97 in 1989, it declined to revise Section 97.1 to change or add any principles, concluding that "[n]o purpose would be served . . . by revising the principles that have

¹ 47 C.F.R. § 97.1.

² Specifically, value to the public as a voluntary, non-commercial service, particularly with respect to emergency communications; advancement of the radio art; advancement of communication and technical skills; expansion of trained operators, technicians, and electronics experts; and enhancing international good will.

³ See Petition at 2.

⁴ See Amendment of Part 12, Rules Governing Amateur Radio Service, Docket 9295, *Report and Order*, 42 F.C.C. 198 (1951) (*Report and Order*). The rule subsequently was renumbered, with no substantive change. See Reorganization and Revision of Chapter, 28 Fed. Reg. 13960, 14182 (1963).

⁵ *Report and Order*, 42 F.C.C. at 201.

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stood for nearly four decades as the general statement of objectives for the amateur service in the United States.”⁶

With regard to your contention that Section 97.1 is outmoded due to changes in technology and practices, and that it diverges from the practical realities of the amateur service today, we note that the basis and purpose of the amateur service was not intended to reflect any particular technology or the practices of a particular time. Rather, Section 97.1 is intended to provide guidance as to the accomplishments the Commission expects of the service and to assist in international negotiations affecting the service. Nothing in your Petition demonstrates that the Commission’s expectations for the amateur service have changed or are not being met, or that the rule is in some way hampering international negotiations that affect the amateur service. Nor does your Petition identify any reason to revisit the Commission’s decision in 1989 not to change the basis and purpose of the amateur service. Consequently, we conclude that the Petition presents no evidence meriting a rule change.

Accordingly, IT IS ORDERED, pursuant to Sections 4(i) and (j) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), (j), 303(r), and Section 1.401(e) of the Commission's Rules, 47 C.F.R. § 1.401(e), that the petition for rulemaking filed by Gordon Schlesinger on September 22, 2009, IS DISMISSED.

This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131 and 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

⁶ See Reorganization and Deregulation of Part 97 of the Rules Governing the Amateur Radio Services, PR Docket No. 88-139, *Report and Order*, 4 FCC Rcd 4719, 4720 ¶ 16 (1989).